UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION	MDL No. 1456 Master File No. 01-12257-PBS
) Judge Patti B. Saris
THIS DOCUMENT RELATES TO:))
State of California, ex rel. Ven-A-Care v.	,)
Abbott Laboratories, Inc., et al.)
CASE #:1:03-cv-11226-PBS)
)

STIPULATION OF DISMISSAL AS TO CLAIMS AGAINST IMMUNEX CORP.

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the terms of the December 14th, 2006 Settlement Agreement between The State of California, Relators, Ven-A-Care of the Florida Keys, Inc., Zachary T. Bentley, and T. Mark Jones ("Relators"), and Defendant Immunex Corp., the undersigned parties hereby stipulate to the entry of an order dismissing with prejudice all claims asserted on behalf of the State of California and Relators against Immunex in Case No. 03-cv-11226-PBS (Master File No. 01-cv-12257-PBS).

This Stipulation has no effect on any claims or allegations against any Defendant in Case No. 03-cv-11226-PBS (Master File No. 01-cv-12257-PBS) other than Immunex.

The parties respectfully request that the Court enter an order in the form of the attached proposed order.

Respectfully submitted,

STATE OF CALIFORNIA

OFFICE OF THE ATTORNEY GENERAL

By: 4CAROLO

Date: 10 JAN 07

WNicholas N. Paul

Supervising Deputy Attorney General Bureau of Medi-Cal Fraud and Elder Abuse 1455 Frazec Road, Suite 315

San Dicgo, CA 92108

QUI TAM PLAINTIFF VEN-A-CARE OF THE

FLORIDA KEYS, INC.

Date: Jen. 7, L

James J. Breen, Esq.
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5755 North Point Parkway, Suite 39
Alpharetta, GA. 30022

IMMUNEX CORP.

Bv:

Date: Jan. 11, 2007

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CERTIFICATE OF SERVICE

I, Nicholas N. Paul, hereby certify that on January 17, 2007, I caused a true and correct

copy of the foregoing, STIPULATION OF DISMISSAL AS TO CLAIMS AGAINST

IMMUNEX CORP., to be served on all counsel of record via electronic service pursuant to

Paragraph 11 of Case Management Order No. 2, by sending a copy to LexisNexis File & Serve

for posting and notification to all parties.

Dated: January 17, 2007

/s/ Nicholas N. Paul

NICHOLAS N. PAUL

Supervising Deputy Attorney General